

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LINDA JENKINS,

Defendant.

8:21CR258

MOTION FOR PROTECTIVE ORDER

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, and pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure, respectfully requests this Court to enter a protective order restricting disclosure of discovery materials provided to counsel for the Defendant, Linda Jenkins. In support of the motion, the undersigned states:

1. The Defendant was charged by Indictment with alleged violations under 18 U.S.C. §§ 1028A and 1344. The Indictment alleges that Defendant participated in a fraud scheme affecting the accounts of many bank customers and several different financial institutions.

2. Pursuant to the Progression Order in this case (Filing No. 15), the government is prepared to provide Defendant's counsel with materials according to the terms of Rule 16, plus additional materials that are not strictly mandated for production pursuant to Rule 16. All the materials were gathered during the investigation by various means, including by search warrant, grand jury subpoena and consent searches. The materials in this case include a significant volume of files and documents that contain personal identifying information (PII), including names, addresses, telephone numbers, account numbers, social security numbers, dates of birth,

and other data of real persons that, if disclosed, create a risk to the legitimate owners of that information and to financial institutions where the accounts are held. The government intends to introduce select portions of these materials in its case-in-chief if this matter were to proceed to trial.

3. The government's usual practice in this District, and its preference in this case, is simply to hand over materials to defense counsel at the outset, even though portions may not be mandated for production by Rule 16. The government seeks adequate protection, however, in order to turn over materials that contain PII and other sensitive data. This is reasonably necessary in this case due to the sheer volume of sensitive account information, the number of actual bank customers and financial institutions potentially affected, and the nature of the fraud described in the Indictment, i.e., to use precisely the kind of PII at issue here to steal and attempt to steal significant amounts of money. In the absence of a protective order from the Court, the government would need to redact sensitive information from items that Defendant's counsel specifically selects after inspection, pursuant to Rule 16(a)(1)(E).

4. To preserve the confidential nature of the additional discovery materials and prevent unauthorized disclosure of the PII and other private information contained therein, while at the same time preserving Defendant's ability to prepare her defense, and further for the sake of efficiency of all parties, the undersigned respectfully requests that this Court enter an order prohibiting disclosure of the materials and their contents to anyone other than Defendant and her counsel, and prohibiting Defendant from retaining or making copies of the materials provided as discovery.

5. The undersigned conferred with Defendant's counsel by email concerning the proposed Protective Order, and Defendant's counsel does not object.

WHEREFORE, Plaintiff respectfully requests that this Court enter a protective order restricting further disclosure of the discovery materials provided to defense counsel.

UNITED STATES OF AMERICA, Plaintiff

JAN W. SHARP
Acting United States Attorney
District of Nebraska

By: s/ John E. Higgins
JOHN E. HIGGINS, #19546
Assistant U.S. Attorney
1620 Dodge Street, Suite 1400
Omaha, NE 68102-1506
Tel: (402) 661-3700
Fax: (402) 345-5724
E-mail: john.higgins@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all registered participants.

s/ John E. Higgins
Assistant U.S. Attorney